

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-cr-20599
Hon. Matthew F. Leitman

JOHN ANGELO, *et al.*,

Defendants.

/

**ORDER DIRECTING PARTIES TO SUBMIT SUPPLEMENTAL
BRIEFINGS PRIOR TO *ENRIGHT* HEARING**

On September 18, 2023, the Court will convene an evidentiary hearing pursuant to *United States v. Enright*, 579 F.2d 980, 986-87 (6th Cir. 1978), in order to determine whether certain hearsay statements are admissible under Federal Rule of Evidence 801(d)(2)(E). After carefully reviewing the parties' filings, the Court has determined that it would benefit from supplemental briefing on the following topics:

- 1) May the Court make credibility determinations with respect to the witnesses who testify at the *Enright* hearing?
- 2) Is the Court required to take the evidence presented at the *Enright* hearing in the light most favorable to the Government and to draw all reasonable inferences in the Government's favor – as, for instance, the Court is required

to do when ruling on a motion under Rule 29 of the Federal Rules of Criminal Procedure?

The parties shall submit their briefs addressing these questions by **September 8, 2023**. The Defendants may file a single, consolidated supplemental brief if they wish to do so.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 24, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 24, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126